

Express Mail No. EV 456 919 705 US

042505

FORM PTO-1390
(REV. 3-2005)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
8449-323-999

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37CFR 1.5)

10/532660

INTERNATIONAL APPLICATION NO.
PCT/US2003/034283

INTERNATIONAL FILING DATE
27 OCTOBER 2003

PRIORITY DATE CLAIMED
25 OCTOBER 2002

TITLE OF INVENTION
APPARATUS AND METHOD FOR IMMUNOTHERAPY OF A CANCER THROUGH CONTROLLED CELL LYSIS

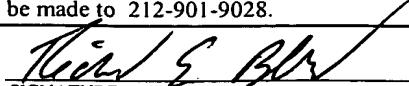
APPLICANT(S) FOR DO/EO/US
Pramod K. Srivastava

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The U.S. has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information (a courtesy copy of the International Publication, No. WO 2004/037321 A2, published 6 May 2004)

US APPLICATION NO. (If known) 10/532660 37 CFR 1.53		INTERNATIONAL APPLICATION NO. PCT/US2003/034283		ATTORNEY'S DOCKET NUMBER 8449-323-999	
21. The following fees are submitted: BASIC NATIONAL FEE:					
<input checked="" type="checkbox"/> a) Basic national fee				\$300.00	
<input checked="" type="checkbox"/> b) Examination fee Was the International Preliminary Examination Report prepared by the USPTO and do all filed claims in this U.S. application satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)?					
<input type="checkbox"/> i) Yes (\$100.00)					
<input checked="" type="checkbox"/> ii) No (\$200.00)				\$200.00	
<input checked="" type="checkbox"/> c) Search fee Was the USPTO the International Searching Authority?					
<input checked="" type="checkbox"/> i) Yes (\$100.00)					
ii) If no:					
<input type="checkbox"/> (a) An International Search Report will be provided to the USPTO on or before payment of the search fee. (\$400.00)				\$100.00	
<input type="checkbox"/> (b) No International Search Report will be provided to the USPTO. (\$500.00)					
TOTAL OF CALCULATIONS =				\$	\$600.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets 69 - 100	Extra Sheets 0 / 50	Number of each additional 50 or fraction thereof (round up to a whole number).	RATE x 250.00		\$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE X		
Total Claims	44 - 20	24	x \$50.00		\$1200.00
Independent Claims	9 - 3	6	x \$200.00	=	\$1200.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00		\$0.00
TOTAL OF ABOVE CALCULATIONS=				= \$	\$3130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%				- \$	\$1565.00
SUBTOTAL =				\$	\$1565.00
Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$0.00
TOTAL NATIONAL FEE				= \$	\$1565.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property				\$	\$0.00
TOTAL FEES ENCLOSED				= \$	\$1565.00
				Amount to be refunded:	
				charged:	
				\$1565.00	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> This is an estimate of the fees due. Please charge Deposit Account No. 50-3013 to cover the required fees. A copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed.					
Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
22. <input type="checkbox"/> Other instructions					
23. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 20583					
24. <input checked="" type="checkbox"/> All telephone inquiries should be made to 212-901-9028.					
Richard E. Ballard for Adriane M. Antler (Reg. 32,605)		 SIGNATURE		46,078 REG. NO.	APRIL 25, 2005 DATE